

ORDINANCE NUMBER 1024-20 15

AN ORDINANCE AMENDING PART II, CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE I (IN GENERAL) AND ARTICLE II (ALCOHOLIC BEVERAGE TAX AND REGULATION), DIVISION III (ON PREMISES CONSUMPTION) OF THE CODE OF THE CITY OF WOODSTOCK, GEORGIA.

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

That the Code of Ordinances, City of Woodstock, Georgia is hereby amended by replacing Section 6-21(e), which said section read as follows:

"(e) Sunday sales. A Sunday sales permit is required for the sale of alcoholic beverages on Sundays, except for retail package sales. The following conditions are applicable to such sales:

(1) The establishment holds a valid city alcoholic beverage pouring license.

¹ Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

"The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly."

²O.C.G.A. § 36-35-3 (a) provides as follows:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6."

- (2) Alcoholic beverages may be sold and served for consumption on the premises on Sundays from 10:30 a.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.
- (3) Applicants for Sunday sales permits shall complete an application form furnished by the city administrator, supplying such information as may be requested. Prior to issuance of the permit, the applicant must make available records for determining whether the applicant meets the requirements of subsection (e)(2) of this section. The permit may be denied or revoked for failure to conform or failure to produce satisfactory evidence of conforming as referenced in section 6-106.
- (4) Annual Sunday sales permit renewals shall be made in the same manner and during the same time periods as other alcoholic beverage license renewals. All holders and applicants of an alcoholic beverage license and Sunday sales license must make available records for audit purposes upon the request of the city administrator or his agent. The books, records, inventory, stock and facilities of any alcoholic beverage holder or applicant shall be open for inspection at any time by a city license inspector and agents of the city police department.
- (5) Sunday sales permits are not transferable.
- (6) The fee for issuance of the Sunday sales permit may be established and/or changed from time to time by the city council, and a schedule of fees shall be available in the city clerk's office.
- (7) The Sunday sales permit shall be subject to the revocation procedures of section 6-4, and shall be automatically revoked if the alcoholic beverage license is revoked.
- (8) When any application for a Sunday sales permit has been denied for a location, no application for a Sunday sales permit may be made for the same location for a period of 12 months from the date of filing of the application which was denied."

To be replaced with the following, in lieu thereof:

"(e) Sunday sales. A Sunday sales permit is required for the sale of alcoholic beverages on Sundays, except for retail package sales. The following conditions are applicable to such sales:

- (1) The establishment holds a valid city alcoholic beverage pouring license.
- (2) Alcoholic beverages may be sold and served for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.
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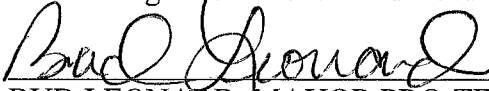
the permit, the applicant must make available records for determining whether the applicant meets the requirements of subsection (e)(2) of this section. The permit may be denied or revoked for failure to conform or failure to produce satisfactory evidence of conforming as referenced in section 6-106.

- (4) Annual Sunday sales permit renewals shall be made in the same manner and during the same time periods as other alcoholic beverage license renewals. All holders and applicants of an alcoholic beverage license and Sunday sales license must make available records for audit purposes upon the request of the city administrator or his agent. The books, records, inventory, stock and facilities of any alcoholic beverage holder or applicant shall be open for inspection at any time by a city license inspector and agents of the city police department.
- (5) Sunday sales permits are not transferable.
- (6) The fee for issuance of the Sunday sales permit may be established and/or changed from time to time by the city council, and a schedule of fees shall be available in the city clerk's office.
- (7) The Sunday sales permit shall be subject to the revocation procedures of section 6-4, and shall be automatically revoked if the alcoholic beverage license is revoked.
- (8) When any application for a Sunday sales permit has been denied for a location, no application for a Sunday sales permit may be made for the same location for a period of 12 months from the date of filing of the application which was denied.

Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF
WOODSTOCK, GEORGIA, THIS 26TH DAY OF OCTOBER, 2015.

1st Reading: 10/12/2015 2nd Reading: 10/26/2015


BUD LEONARD, MAYOR PRO-TEM


RHONDA L. PEZZELLO, CLERK

Approved as to form:


ELDON L. BASHAM, CITY ATTORNEY